

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jan 11, 2024

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ASHLEY C.,

Plaintiff,

-vs-

MARTIN O'MALLEY, Commissioner of
Social Security,¹

Defendant.

No. 1:23-CV-3126-WFN

ORDER GRANTING
STIPULATED REMAND

Pending before the Court is the parties' Stipulated Motion for Remand. ECF No. 8. The Court has reviewed the file and Motion and is fully informed. Accordingly,

IT IS ORDERED that:

1. The parties' Stipulated Motion for Remand, filed January 10, 2024, **ECF No. 8**, is **GRANTED**.

2. Based on the parties' stipulation, the above-captioned case is **REVERSED** and **REMANDED** for further administrative proceedings under sentence four of 42 U.S.C. § 405(g). Upon remand, the Appeals Council shall instruct the administrative law judge to:

(a) Reevaluate the evidence, including the medical evidence and Plaintiff's statements, as necessary;

(b) Reevaluate the step-five finding as necessary

(c) Take any action necessary to complete the administrative record;

¹ This action was originally filed against Kilolo Kijakazi in her capacity as the acting Commissioner of Social Security. Martin O'Malley is substituted as the defendant because he is now the Commissioner of Social Security. *See* Fed. R. Civ. P. 25(d).

1 (d) Offer the claimant an opportunity for a hearing; and

2 (e) Issue a new decision.

3 3. All other pending motions are **DENIED AS MOOT**.

4 4. Judgment shall be entered for **Plaintiff**.

5 5. Upon proper request, Plaintiff will be entitled to costs under 28 U.S.C. § 2412(a)
6 and reasonable attorney fees and expenses under 28 U.S.C. § 2412(d).

7 The District Court Executive is directed to file this Order, enter judgment in favor of
8 the Plaintiff, provide copies of this Order and the Judgment to counsel and **CLOSE THIS**
9 **FILE**.

10 **DATED** this 10th day of January, 2024.

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13 _____
14 WM. FREMMING NIELSEN
15 SENIOR UNITED STATES DISTRICT JUDGE

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